

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:19-CR-025-GJQ

v.

GOVERNMENT'S INITIAL PRETRIAL
CONFERENCE SUMMARY STATEMENT

MUSE ABDIKADIR MUSE,
a/k/a ALI ALMUHAJIR,
MOHAMED SALAT HAJI,
a/k/a SALAMUJAHID ALMUHAJIR, and
MOHAMUD ABDIKADIR MUSE,
a/k/a ABU OSAMA ALMUHAJIR,

Defendants. /

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements [Rule 16(a)(1)(A)]

- ☐ There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).
- ☒ There are the following written records of oral statements:

1/21/19 post-arrest interviews (all three defendants)

the substance of which

- ☐ has been disclosed to defense counsel
- ☒ will be disclosed to defense counsel upon completion of FBI reports.

2. Written or Recorded Statements [Rule 16(a)(1)(B)]

- ☐ There are no written or recorded statements or grand jury testimony of defendant.
- ☒ There are the following written or recorded statements or grand jury testimony:

Facebook written / audio / video communications (all three defendants)

Audio / video communications from 12/14/18 and 1/15/19

(Muse Muse & Mohamed Haji)

Handwritten statement (Muse Muse) from 1/21/19

Phone calls (approx. 2) between Mohamed Haji and UCE-3 in 2018-2019.

All written or recorded statements

- ☐ have been disclosed to defense counsel
- ☒ will be disclosed to defense counsel upon receipt by government counsel (Muse Muse statement in detention hearing exhibit book).

B. Defendant's Prior Record [Rule 16(a)(1)(D)]

- ☒ The government has made due inquiry and is not aware of any prior criminal record relating to Mohamud Muse and Muse Muse. Ongoing positive results will be forwarded upon receipt.
- ☒ The government will disclose defendant Mohamed Haji's prior criminal history by February 4, 2019.
- ☐ The government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects [Rule 16(a)(1)(E)]

- ☐ The government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The government has the following documents, tangible objects, and physical evidence:
 - ☐ Controlled Substances:
 - ☐ Drug Paraphernalia:
 - ☒ Records: Various reports of investigation and interview.
 - ☐ Drug Records:
 - ☐ Firearms:
 - ☐ Inventory (attached)
 - ☒ Other: Clothing items (Muse Muse), electronic devices (all three defendants), passport (Muse Muse), paper records (all three defendants).
- ☒ The government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
 - ☐ State
 - ☒ Federal (list case number and caption)
 - Facebook (Mohamud Muse) - 17 MJ 303
 - Facebook (Mohamud Muse) - 18 MJ 23
 - Facebook (Muse Muse) – 18 MJ 150
 - Facebook (Mohamed Haji) – 18 MJ 302
 - Facebook (Muse Muse) – 18 MJ 374
 - Facebook (6 accounts, all three defendants) – 19 MJ 1
 - Lansing residence (Mohamud Muse & Muse Muse) – 19 MJ 29
 - Cell Phones (all three defendants) – 19 MJ 30
 - Car & Phone at Airport (Mohamud Muse, possibly also relating to Mohamed Haji and Muse Muse) – 19 MJ 31
 - Airport Luggage (Muse Muse) – 19 MJ 32

- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with FBI SA Paul Dunham

D. Reports of Examinations and Tests [Rule 16(a)(1)(F)]

- ☐ The government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The government has or expects to have reports of the following examinations and tests:

- | | | |
|--|---|---|
| <input type="checkbox"/> Drug Analysis | <input type="checkbox"/> Handwriting | <input type="checkbox"/> Fingerprints |
| <input type="checkbox"/> DNA | <input type="checkbox"/> Firearms/Nexus | <input type="checkbox"/> Gun Operability |
| <input checked="" type="checkbox"/> Computer Forensics | | <input checked="" type="checkbox"/> Other – Phone forensics,
audio/video forensics |

E. Reciprocal Discovery

- ☒ The government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The government does not presently intend to introduce 404(b) evidence.
- ☒ The government does presently intend to introduce the following 404(b) evidence:
- Evidence of other similar acts or communications in support of ISIS, jihad, travel abroad in support of ISIS, domestic attacks, and torture/killings of non-Muslims in the United States and elsewhere, all prior to the conspiracy start date.
- ☒ The government will provide pretrial notice of any additional 404(b) evidence by two weeks before the final pre-trial conference.

G. Other Discovery Matters: N/A

II. TRIAL

- A. The government requests a ☒ jury ☐ non-jury trial.

- B. Length of trial excluding jury selection is estimated at 10 days

III. MISCELLANEOUS

- ☐ This case may be appropriate for expedited resolution.
- ☒ The government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The government is aware of the following potential conflict(s):
- ☒ Government's plea negotiation policy: No concessions within 2 weeks of final pre-trial conference date.

Date: January 31, 2019

Clay M. West
Assistant United States Attorney